

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MALIK NETTLES,)	
)	
Petitioner,)	
)	
v.)	No. 4:03-CV-68 CAS
)	
DON ROPER,)	
)	
Respondent.)	

ORDER

This matter is before the Court on state prisoner Malik Nettles's action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Lewis M. Blanton for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On March 3, 2006, Judge Blanton filed a Report and Recommendation of United States Magistrate Judge, which recommended that Nettles's petition for writ of habeas corpus be denied.

Petitioner filed timely objections to the Report and Recommendation, asserting the following: (1) the procedural default should be excused because he is actually innocent, (2) prosecutorial misconduct occurred, and (3) he received ineffective assistance of counsel. The Court has carefully reviewed petitioner's objections and the entire record of this matter. Following de novo review, the Court concurs in the recommendation of the Magistrate Judge, as contained in the well-reasoned and thorough Report and Recommendation. Petitioner's objections are overruled.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 11]

IT IS FURTHER ORDERED that Malik Nettles's Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is **DENIED**. [Doc. 4]

IT IS FURTHER ORDERED that petitioner's objections are overruled. [Doc. 14]

IT IS FURTHER ORDERED that this matter is **DISMISSED**, with no further action to take place herein.

An appropriate judgment will accompany this order.

A handwritten signature in black ink, appearing to read "Charles A. Shaw", written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 30th day of March, 2006.